

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	CIVIL ACTION
EUCLIDES SOTO, LOUIS A. MARTINEZ,)	NO.: 04-10892-JLT
JOSE RAMIREZ, CLEMENTE HERNANDEZ,)	
CESAR PIZARO, ELISON PENA,)	
JUAN COLON, JOSE ORTIZ,)	
RAFAEL TORRES, ANGEL BAEZ,)	
ANTONIO MARTINEZ, WILFREDO ORTIZ,)	
EULOGIO ORTIZ, MIRRAIN MIRANDA,)	
RAFAEL MORENO, NELSON ACEVEDO,)	
and RAMON RODRIGUEZ,)	
Plaintiffs,)	
)	
v.)	
)	
SHERMAN-FEINBERG CORPORATION,)	
FARNSWORTH FIBRE CORPORATION,)	
UNITED STEELWORKERS OF AMERICA,)	
LOCAL 421-U, AND UNITED STEELWORKERS))	
OF AMERICA,)	
Defendants.)	
_____)	

PLAINTIFF'S PRELIMINARY LIST OF WITNESSES AND EXHIBITS FOR
TRIAL PRESENTED UNDER THE PROVISIONS OF FED. R. CIVIL
PROCEDURE 26(a)

Now come the plaintiffs and submit the following:

I. LIST OF WITNESSES:

1. Lowell Alexander of Milford, MA;
2. Kenneth Doucette of Malden, MA;
3. Nelson Acevedo of Dorchester, MA;
4. Angel Baez of Dorchester, MA;
5. Miriam Caminero, Roslindale, MA;
6. Clemente Hernandez of Dorchester, MA;

7. Antonio Martinez of Jamaica Plain, MA;
8. Luis A. Martinez of Roslindale, MA;
9. Jose E. Ortiz of Dorchester, MA;
10. Eulogio Ortiz of Dorchester, MA;
11. Juan R. Colon Ortiz of Boston, MA;
12. Wilfredo C. Ortiz of Dorchester, MA;
13. Elison Pena of Dorchester, MA;
14. Cesar Narciso Pizarro of Dorchester, MA;
15. Jose D. Ramirez Dorchester, MA;
16. Ramon Rodriguez of Florida;
17. Euclides Soto of Brockton, MA; and
18. Rafael Torres of Dorchester, MA.
19. Theresa Merrill Stone, Esq. (probably her testimony will be by stipulation as it involves receipt of notices.)

II. LIST OF DOCUMENTS: (All produced along with Affidavit of Robert O. Berger in Motion for Summary Judgment proceedings)

1. Demand on Union to bargain, March 4, 2004;
2. Response of Union, March 18, 2004;
3. Revised Demand of April 1, 2004;
4. Final response of Union, April 7, 2004;
5. Demand for financial information without follow up, November 1, 2002;
6. Payroll Audits of Farnsworth Fibre, September 24, 2001 and November 30, 2001; -Separate pension fund collection in Trevoise, Pennsylvania, i.e. not Boston area;
7. Pay-stub of Lowell F. Alexander, March 15, 2005; i.e. high paid steelworker;
8. MCAD Charge Forms;

9. Amended Complaint and Demand for Jury Trial for pattern and practice of continuous discrimination (see Paragraph 24);
10. Constitution of International Union of August 7, 2002;

Collective Bargaining Agreements and Severance Agreements

11. Fully executed Collective Bargaining Agreement with income breakdown of Plaintiffs, dated November 1, 2002 to October 31, 2006;
12. Collective Bargaining Agreement of November 1, 2002 to October 31, 2006 in Spanish, delivered **AFTER** collective bargaining agreement, i.e. subsequent negotiations;
13. Pension and Severance Agreement of Rosbro Plastics Company and Local Union No. 680, February 18, 1990;
14. Labor Agreement between Beebe Rubber Company and Local Union No. 570, United Steelworkers of America, August 1, 1998 to July 31, 2001;
15. Agreement between Sealy Mattress Company and United Steelworkers of America, AFL-CIO, CLC, Upholsterers' and Allied Industries Division, Local Union No. 421-U, 2002-2005;

Respectfully submitted,

Dated: February 16, 2006

/s/ Robert O. Berger
Robert O. Berger (BBO#: 038900)
11 Beacon Street, Ste. 1210
Boston, MA 02108
(617) 423-7575 Tel
(617) 275-8000 Fax
Attorney for Plaintiffs

/s/ John Lee Diaz
John Lee Diaz (BBO#: 542819)
801A Tremont Street
Boston, MA 02118
(617) 445-7900 Tel
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served by electronic transfer on the attorney of record for each party on February 16, 2006.

Dated: February 16, 2006

/s/ Robert O. Berger
Robert O. Berger (BBO#: 038900)

Assessment of Damages*Euclides Soto, et. al. v. Sherman-Feinberg, et. al.*

	Lost Wages	Future Wages	Emotional Distress	Punitive	Total Damages
Unemployed					
Each Plaintiffs	\$60,000	\$150,000	\$400,000	\$200,000	\$810,000
5 Plaintiffs					\$4,050,000
Unemployable					
Each Plaintiff	\$60,000	\$175,000	\$400,000	\$200,000	\$835,000
7 Plaintiffs					\$5,845,000
Mixed					
Each Plaintiff	\$40,000	\$120,000	\$400,000	\$200,000	\$760,000
5 Plaintiffs					\$3,800,000

Grand Total**\$13,695,000.00**